

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 04CV12257NG

VERMONT MUTUAL INSURANCE )  
COMPANY, as Subrogee of )  
Robert and Nancy McNeil, and )  
ROBERT and NANCY MCNEIL, )  
Plaintiffs )  
vs. )  
HAMILTON BEACH PROCTOR- )  
SILEX, INC., )  
Defendant )

**CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D) (3) (a) AND (b) OF  
PLAINTIFFS, VERMONT MUTUAL INSURANCE COMPANY, AS SUBROGEE  
OF ROBERT AND NANCY MCNEIL, AND ROBERT AND NANCY MCNEIL**

Plaintiffs, Vermont Mutual Insurance Company, as Subrogee of Robert and Nancy McNeil, Robert and Nancy McNeil and their counsel, Monahan & Associates, P.C. hereby certify and affirm that they have conferred:

- (a) with a view of establishing a budget for the cost of conducting the full course – and various alternative courses – of litigation; and,
- (b) to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

**Vermont Mutual Insurance Company,  
as Subrogee of Robert and Nancy  
McNeil, and Robert and Nancy McNeil**

s/ Elaine Bedard

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By: Elaine Bedard, SCLA  
Claims Analyst  
Vermont Mutual Insurance Company

**MONAHAN & ASSOCIATES, P.C.**

s/ Douglas F. Hartman

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By: Douglas F. Hartman  
Counsel for Plaintiffs